

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PHM/CM/BR049092	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/FR2004/003174	International filing date (<i>day/month/year</i>) 09.12.2004	Priority date (<i>day/month/year</i>) 15.12.2003
International Patent Classification (IPC) or national classification and IPC B25D17/08		
Applicant MONTABERT		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.	
2.	This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.	
3.	This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).	
4.	This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application	

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-4 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-6 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/2-2/2 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1.	Statement		
	Novelty (N)	Claims <u>1-6</u>	YES
		Claims _____	NO
	Inventive step (IS)	Claims <u>1-6</u>	YES
		Claims _____	NO
	Industrial applicability (IA)	Claims <u>1-6</u>	YES
		Claims _____	NO
2.	Citations and explanations (Rule 70.7)		
1.	Reference is made to the following document:		
D1:	WO 01/85398 A - 15 November 2001 (2001-11-15)		
2.	<p>D1, which is considered to be the prior art closest to the subject matter of claim 1, describes (the references between parentheses apply to said document):</p> <p><i>a device for assembling the casing and the body of a hydraulic rock breaker including a casing, inside which a body (2) containing the hydraulic striking mechanism (6) is housed; such that a bush (3) acting as a guide for a tool (4) is mounted inside said body; translation of the tool (4) in the guide bush (3) is limited by a cotter (13); and the guide bush comprises at least one peripheral area engaging an area of matching shape provided in the forward portion of the casing.</i></p>		
2.1	<p>Consequently, the subject matter of claim 1 differs from this known tool in that:</p> <ul style="list-style-type: none"> - <i>the tool is rotationally retained in the bush by a cotter;</i> - <i>the guide bush is rotationally and translationally retained in the body by a cotter, the peripheral</i> 		

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p><i>area of said bush has a non-circular shape and engages the area of matching shape so as to restrict the rotation of the bush and therefore of the body relative to the casing.</i></p> <p>The subject matter of claim 1 is therefore novel (PCT Article 33(2)).</p> <p>2.2 The problem that the present invention is intended to solve can be considered to be that of:</p> <p><i>providing a device for assembling the casing and the body of a hydraulic rock breaker in which the rotational locking of the body and the casing can be performed simply and very reliably.</i></p> <p>2.3 The solution to this problem, as proposed in claim 1 of the present application, is considered to involve an inventive step (PCT Article 33(3)) for the following reasons:</p> <p><i>a person skilled in the art confronted with the stated problem is not able to obtain a device covered by the terms of claim 1.</i></p> <p>3. Claims 2 to 6 are dependent on claim 1 and thus also comply, as such, with the PCT requirements of novelty and inventive step.</p>